

NO. 23284

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE MATTER OF THE PROTECTION OF THE
PROPERTY OF ELIZABETH A. ELSTNER, Protected Person
(G. NO. 97-0177)

and

IN THE MATTER OF THE RICHARD C. ELSTNER
REVOCABLE LIVING TRUST DATED JUNE 16, 1992, AS AMENDED
(TRUST NO. 99-0036)

and

IN THE MATTER OF THE ELIZABETH A. ELSTNER
REVOCABLE LIVING TRUST DATED JUNE 16, 1992
(TRUST NO. 99-0037)

APPEAL FROM THE FIRST CIRCUIT COURT

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that: (1) the February 23, 2000 order finally determines the petitions filed in consolidated Guardianship No. 97-0117 and Trust Nos. 99-0036 and 99-0036 for termination of guardianship, for instructions and for approval of final accounts, but the proceedings in Trust Nos. 99-0036 and 99-0037 have not been finally completed; (2) absent certification of the February 23, 2000 order under HRCP 54(b) or

entry of a final judgment closing the consolidated guardianship and trust administration cases, the appeal of the February 23, 2000 order is premature; HRS § 641-1(a); HPR 34(a) and (c); and thus, (3) we lack jurisdiction over this appeal. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 20, 2000.